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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/782,866	01/13/1997	PAUL DELABASTITA	GV-2166	9938

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EXAMINER
ANGEBRANNDT, MARTIN J

ART UNIT	PAPER NUMBER
1756	46

DATE MAILED: 02/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	08/782,866	DELABASTITA ET AL.	
	Examiner	Art Unit	
	Martin J Angebranndt	1756	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 November 2002* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *13-23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *13 and 16-23* is/are rejected.

7)☒ Claim(s) *14 and 15* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

1 The response provided by the applicant has been read and given careful consideration. Claims 1-8 and 10-12 have been cancelled and claims 13-23 added. There is no additional response to the most recent filing as the applicant did not submit any arguments in the response of 11/25/2002.

2. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

> A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
>
> Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

3 Claims 13,16,18,19 and 22-23 are rejected under 35 U.S.C. § 103 as being unpatentable over either Saikawa et al. '811 or Monbaliu et al. '156, in view of Stoffel et al., "A survey of Electronic Techniques for Pictorial Image Reproduction", IEEE Trans. Comm. Vol. COM-29(12), pp. 11898-1925 (1981) and Witten et al., "Using Peano Curves for Bilevel Display of Continuous-Tone Images", IEEE computer Graphics and Applications, pp. 47-52 (May 1982).

Saikawa et al. '811 teaches the use of a laser or LED to expose a diffusion transfer which is developed using an alkaline processing solution. Examples of light sources are disclosed. col 1/lines 60-63, hereinafter 1/60-63, 2/32-42 and 2/55-65) These include the low coats CW He-Ne

laser. The laser exposure with a He-Ne laser used a 10^{-5} second exposure which is indicative of digital/electronic control or modulation of the beam as the He-Ne is a CW(not pulsed) laser .(example 1, column 8/line 54).

Monbaliu et al. '156 teaches the use of conventional sources, laser or LEDs for exposing silver diffusion media to form lithographic printing plates. (col 10/line 66-col 11/line 35, hereinafter 10/66-11/35). The processing is described in the abstract and claims as well as the text. The LED and semiconductor lasers conventionally have a digital controller as they may be modulated directly through control of the power to them without the use of a separate electrooptic modulator or the like.

Stoffel et al., "A survey of Electronic Techniques for Pictorial Image Reproduction", IEEE Trans. Comm. Vol. COM-29(12), pp. 11898-1925 (1981) teaches various techniques for use in scanning and screening images such as photographs and camera images to produce halftone images which are useful with binary output devices such as lithography, xerography or ink jet printers. (Page 1898/col 1/paragraphs 1-2). Pages 1907,1908,1915,1916 and tables I & II describe the process of error diffusion and the benefits. The output of all the images including the original output is from a versatec plotter. (page 1908/right column section G) The input of the image into a scanner, the electronic processing of the image and the output marking are shown in figure 1. The output marking is clearly not provided through a mask or the like.

Witten et al., "Using Peano Curves for Bilevel Display of Continuous-Tone Images", IEEE computer Graphics and Applications, pp. 47-52 (May 1982) teaches that bilevel displays include ink on paper (page 47/left column). The use of Peano curves rather than raster scanning together with feed back incorporating the minimization of the cumulative error (error diffusion) (pages 50 and figure 2) (see specification at page 6)

It would have been obvious to one skilled in the art to include frequency modulation screening techniques such as error diffusion taught by Stoffel et al. '(1981) in the techniques of

producing printing plates disclosed by either Saikawa et al. '811 or Monbaliu et al. '156 with a reasonable expectation of gaining the benefits taught by Stoffel et al., "A survey of Electronic Techniques for Pictorial Image Reproduction", IEEE Trans. Comm. Vol. COM-29(12), pp. 11898-1925 (1981), based upon the disclosure of Stoffel et al., "A survey of Electronic Techniques for Pictorial Image Reproduction", IEEE Trans. Comm. Vol. COM-29(12), pp. 11898-1925 (1981) that this technique is applicable to lithography and further, it would have been obvious to use peano curves rather than raster scanning in the screening process to reduce the accumulated error and prevent it from being carried over to the next line basd upon the teachings of Witten et al., "Using Peano Curves for Bilevel Display of Continuous-Tone Images", IEEE computer Graphics and Applications, pp. 47-52 (May 1982)

4 Claims 13,16,17,19 and 22-23 are rejected under 35 U.S.C. § 103 as being unpatentable over Peterson '762, in view of Stoffel et al., "A survey of Electronic Techniques for Pictorial Image Reproduction", IEEE Trans. Comm. Vol. COM-29(12), pp. 11898-1925 (1981) and Witten et al., "Using Peano Curves for Bilevel Display of Continuous-Tone Images", IEEE computer Graphics and Applications, pp. 47-52 (May 1982).

Peterson '762 establishes that it is known to use a laser to form a lithographic printing plate. The process uses a mixture of a diazo composition with nitrocellulose and carbon black. The carbon black absorbs light converting it heat and heating the nitrocellulose until it combusts, removing it from the support surface. The formation of letterpress printing plates is also disclosed. The process appears to be a direct writing without a mask using the YAG pulsed laser as no mask is described. Therefore the beam modulation and direction must be controlled electronically/digitally.

It would have been obvious to one skilled in the art to include frequency modulation screening techniques such as error diffusion taught by Stoffel et al. '(1981) in the techniques of producing printing plates disclosed by Peterson '762 with a reasonable expectation of gaining the

benefits taught by Stoffel et al., "A survey of Electronic Techniques for Pictorial Image Reproduction", IEEE Trans. Comm. Vol. COM-29(12), pp. 11898-1925 (1981), based upon the disclosure of Stoffel et al., "A survey of Electronic Techniques for Pictorial Image Reproduction", IEEE Trans. Comm. Vol. COM-29(12), pp. 11898-1925 (1981) that this technique is applicable to lithographic, letterpress and gravure printing lithography and further, it would have been obvious to use peano curves rather than raster scanning in the screening process to reduce the accumulated error and prevent it from being carried over to the next line basd upon the teachings of Witten et al., "Using Peano Curves for Bilevel Display of Continuous-Tone Images", IEEE computer Graphics and Applications, pp. 47-52 (May 1982).

5 Claims 13 and 16-23 are rejected under 35 U.S.C. § 103 as being unpatentable over either Saikawa et al. '811, Peterson '762 or Monbaliu et al. '156, in view of Stoffel et al., "A survey of Electronic Techniques for Pictorial Image Reproduction", IEEE Trans. Comm. Vol. COM-29(12), pp. 11898-1925 (1981), Witten et al., "Using Peano Curves for Bilevel Display of Continuous-Tone Images", IEEE computer Graphics and Applications, pp. 47-52 (May 1982), Harper's Dictionary of the Graphic Arts (1963), Evans et al. '229 and Ellis et al. '650.

Harper's Dictionary of the Graphic Arts defines a "proof" as "A trial printing ..from type, plates or blocks, pulled for the purpose of correction before printing." and a "press proof" as "The last proofs to be run before the form is run on the press."

Evans et al. '229 teaches the need for a proof prior to the printing run. (1/18-34) The use of sublimation transfer printing processes to form a direct digital color proof is disclosed. (1/43-2/20 and 10/44-14/68, including the examples, where the stock is chosen to match that used in the printing process.

Ellis et al. '650 teaches the use of ablation imaging materials for pre-press proofing. (11/56-58 and examples 1 and 2)

For the purposes of examination, the examiner has held that a process which does not directly produce the proof using exclusively digital means is not a direct digital proofing technique. The examiner holds that although the process of producing proofs from the printing plates is partially digital, the last steps (ie inking and pulling) are not digital and therefore the process is not a DDP technique.

It would have been obvious to use produce a proof prior to the printing run using known techniques, such as those disclosed by Harper's Dictionary of the Graphic Arts (1963), Evans et al. '229 or Ellis et al. '650, in the process for producing a printing plate using the process of either Saikawa et al. '811, Peterson '762 or Monbaliu et al. '156, as modified by Stoffel et al., "A survey of Electronic Techniques for Pictorial Image Reproduction", IEEE Trans. Comm. Vol. COM-29(12), pp. 11898-1925 (1981) based upon this being entirely routine within the art as evidenced by the teachings of Harper's Dictionary of the Graphic Arts (1963), Evans et al. '229 and Ellis et al. '650.

6 Claims 13 and 16-23 are rejected under 35 U.S.C. § 103 as being unpatentable over either Saikawa et al. '811, Peterson '762 or Monbaliu et al. '156, in view of Stoffel et al., "A survey of Electronic Techniques for Pictorial Image Reproduction", IEEE Trans. Comm. Vol. COM-29(12), pp. 11898-1925 (1981), Witten et al., "Using Peano Curves for Bilevel Display of Continuous-Tone Images", IEEE computer Graphics and Applications, pp. 47-52 (May 1982), Harper's Dictionary of the Graphic Arts (1963), Evans et al. '229 and Ellis et al. '650, further in view of Newman '925.

Newman '925 establishes that as of filing in 1984, the ability to produce direct laser addressable plates has been an appreciated market need. This allows for computer generated images, including computer generated characters, computerized copy editing, and computerized screening of continuous tone pictures. These may be pre-viewed on a CRT of the like. This

contributes savings in time, errors and expense. (1/26-40) Example 34 uses a laser diode (semiconductor laser) with scanning capabilities to expose with dwell times of 5×10^{-6} seconds.

In addition to the basis for the combination of either Saikawa et al. '811, Peterson '762 or Monbaliu et al. '156 with Stoffel et al., "A survey of Electronic Techniques for Pictorial Image Reproduction", IEEE Trans. Comm. Vol. COM-29(12), pp. 11898-1925 (1981), Witten et al., "Using Peano Curves for Bilevel Display of Continuous-Tone Images", IEEE computer Graphics and Applications, pp. 47-52 (May 1982), Harper's Dictionary of the Graphic Arts (1963), Evans et al. '229 and Ellis et al. '650 discussed above, Newman '925 provides further recognition of the direction into the art from mechanical mask to direct laser writing of printing plates with savings in several areas and specifically describes screening of continuous tone images as one of the benefits of the electronic direct writing process as well as the pre-viewing of the image in 1984 and thereby supports within the art, the position of the examiner.

7 Claims 14-15 are objected to as they contain allowable subject matter, but are dependent upon a rejected claim.

8 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Martin Angebranndt whose telephone number is (703) 308-4397.

I am normally available between 7:30 AM and 5:00 PM, Monday through Thursday and 7:30 AM and 4:00 PM on alternate Fridays.

If repeated attempts to reach me are unsuccessful, my supervisor may be reached at (703) 308-2464.

Facsimile correspondence should be directed to (703) 305-3599.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661.

Martin J. Angebranndt
Primary Examiner, Group 1750
February 4, 2003